

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Education Department – Allegation of demand and acceptance of bribe against Sri T.M.K. Alwar, Mandal Educational Officer (MEO), Musunur Mandal, Krishna District – Trapped by the ACB on 18.04.1992 – Sanction for prosecution accorded – Convicted by the ACB Court – Crl. Appeal No.443/96 filed by the A.O. in the A.P. High Court – Allowed – Apex Court has dismissed the SLP filed by the State – Further action dropped – Regularisation of deemed suspension period as on duty – Orders – Issued.

EDUCATION [SE-Vig.I(1)] DEPARTMENT

G.O.Rt.No. 316

Dated:15-02-2013

Read the following:-

1. G.O.Ms.No.11, Education (Ser) Department, dated 11.1.1993.
2. Orders of the Court of Spl. Judge for SPE & ACB Cases, Vijayawada in C.C.No.6/1993 dated 24.4.1996.
3. Orders of the Hon'ble High Court dated 09.12.2002 in Crl.Appeal No.443/96 filed Sri T.M.K. Alwar.
4. From the C&DSE, Hyd Lr.Rc.No.2043/C3-2/2003, dated 10.9.2003
5. Orders of the Supreme Court of India dated 18.08.2010 in Crl. Appeal No.292/2004 filed by the State of A.P.
6. G.O.Rt.No.582, Edn [SE-Vig.I(1)] Deptt., dated 08.08.2011.
7. Representation of Sri T.M.K. Alwar, School Assistant, GHS, Avanigadda, Krishna District, dated 08.10.2012.

ORDER:

Whereas, Sri T.M.K. Alwar, Mandal Educational Officer (MEO), Musunur Mandal, Krishna District was trapped by the ACB on 18.04.1992 while he was demanding and accepting bribe. Sanction was accorded in the reference 1st read above to prosecute him in a court of law. The A.O., Sri T.M.K. Alwar was convicted by the Court of Special Judge for SPE & ACB Cases, Vijayawada in C.C.No.6/93 in its judgement dated 24.4.1996 in the reference 2nd read above, and subsequently he was dismissed from Government service on the ground that he was convicted by the ACB Court.

2. And whereas, aggrieved by the conviction orders of the trial court, Sri T.M.K. Alwar, Mandal Educational Officer (Dismissed), Musunur Mandal, Krishna District has filed a Criminal Appeal No.443/96 in the High Court of A.P. and the Hon'ble High Court of A.P. in it's judgment in the reference 3rd read above, has allowed the Crl. Appeal filed by Sri T.M.K. Alwar and set-aside the orders of the trial court in the reference 2nd read above and ordered that the appellant is not guilty of the charges and acquitted of all the charges.

3. And whereas, the Crl. Appeal No.292/2004 filed by the State against the orders of the Hon'ble High Court dated 09.12.2002 in Crl.Appeal No.443/96 was dismissed by the Supreme Court of India in the reference 5th read above.

4. After careful examination of the matter, Government in the reference 6th read above, dropped further action against Sri TMK Alwar (B.Ed Assistant), the then MEO (under dismissal), Musunur Mandal Krishna district and reinstated him into service with immediate effect. The period from his date of conviction/dismissal from service to date of his acquittal by Hon'ble HC of AP was treated as deemed to be placed under suspension and regularized as not on duty and the remaining gap periods/suspension periods in this case are regularized as on duty as per F.R.54(B).

[P.T.O.]

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5. Sri T.M.K. Alwar, School Assistant, GHS, Avanigadda, Krishna District (the then MEO, Musunur Mandal Krishna District) in his representation in the reference 7th read above, stated that, as per the general instructions issued in Govt. Memmo.No.169/Ser.C/77-8, G.A.(Ser.) Deptt., dated 10.2.1978, when the Court Higher than the first court of the appeal against the conviction, succeeds and Govt. Servant is acquitted, the order imposing a penalty on him on the basis of conviction, which no longer stands, become liable to be set aside and requested the Govt., to treat his period of deemed suspension as "on duty" as per FR 54-B(3) and release all consequential benefits, since the status of charges held not proved and acquittal by the Hon'ble High Court of A.P., Supreme Court of India and no further inquiry was held by the disciplinary authority and Government have accepted the judgment of the Supreme Court in Crl. Appeal No.292/2004, dated 18.08.2010 and dropped further action against him and reinstated him into service vide G.O.Rt.No.582, Edn.(SE-Vig.I) Deptt., dated 08.08.2011.

6. Government after careful examination of the entire matter in detail, decided to regularize the deemed suspension period of Sri T.M.K. Alwar, School Assistant, GHS, Avanigadda, Krishna District as on duty under F.R. 54 (B)(3), since, the Government have accepted the judgment of the Supreme Court in Crl. Appeal No.292/2004, dated 18.08.2010 and dropped further action against him vide G.O.Rt.No.582, Edn., (SE-Vig.I) Deptt., dated 08.08.2011.

7. Accordingly, the deemed suspension period of Sri T.M.K. Alwar, School Assistant, GHS, Avanigadda, Krishna District, is hereby regularised as "on duty" under F.R. 54 (B) (3).

8. The Commissioner & Director of School Education, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To
The incumbent through Commissioner & Director of School Education,
A.P., Hyderabad.
The Commissioner & Director of School Education, A.P., Hyderabad.
The District Educational Officer, Krishna District.
File.

// FORWARDED :: BY ORDER //

SECTION OFFICER